



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 20, 1998

Ms. Cheryl Elliott  
General Counsel  
Texas Southern University  
3100 Cleburne Avenue  
Houston, Texas 77004

OR98-0500

Dear Ms. Elliott:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 112738.

Texas Southern University (the "university") received a request as clarified to include "the names, addresses, and telephone numbers of all the students that completed the '96-'97 academic year at Thurgood Marshall School of Law but have not returned for the '97-'98 academic year, excluding all '97 graduates."<sup>1</sup> You state that the requested information is excepted from required public disclosure based on section 552.026 of the Government Code. However, we note that the information you submitted to this office, a list of students who were academically dismissed in the Spring of 1997, appears to be responsive only to the initial request and we consider only that material in this ruling.

FERPA governs the availability of education records of educational agencies or institutions that receive federal funds under programs administered by the federal government. It generally prohibits the release of education records without a parent's written consent. If a student has reached age eighteen or is attending an institution of post-secondary education, the rights established by FERPA attach to the student rather than to the student's parents. 20 U.S.C. § 1232g(b)(4)(d).

A review of the documents submitted indicates that they are "education records." Education records are those records that "contain information directly related to a student and


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<sup>1</sup>The information requested amended a previous request for "the names, addresses, and telephone numbers of all the students academically dismissed or withdrawn from Thurgood Marshall School of Law during the '96-'97 school year." You did not include material responsive to the subsequent clarification.

are maintained by an educational agency or institution.” *Id.* § 1232g(a)(4)(A). This material includes performance measures of students while at the law school so that all of the information relates to the individual’s activities while still a student. Attorney General Opinion H-447 (1974); Open Records Decision Nos. 539 (1990) at 2-3 (concerning records compiled after the student left school), 462 (1987) at 14-15. Although these are education records, sections 552.114 and 552.026 protect from disclosure only that information in the documents which would serve to identify or tend to identify the student. Open Records Decision Nos. 332 (1982) at 3, 294 (1981). We have marked the identifying information that may not be disclosed in accordance with FERPA.<sup>2</sup>

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 112738

Enclosures: Submitted documents

cc: Ms. Tinya L. Lewis  
P.O. Box 31232  
Houston, Texas 77231  
(w/o enclosures)

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<sup>2</sup>We observe that an educational institution or agency may release “directory information” to the public if the educational institution or agency complies with certain procedures. *See id.* § 1232g(a)(5)(A); *see also id.* § 1232g(a)(5)(B) (providing notice requirements that afford affected students right to object to release of directory information relating to them). For example, under FERPA, a student’s address is directory information. *See id.* § 1232g(a)(5)(A).